



January 27<sup>th</sup>, 2012

***Via Electronic Filing***

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: Notice of Oral *Ex Parte* Communications, CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36**

Dear Ms. Dortch:

On January 25<sup>th</sup>, 2012, Thomas Gideon, Senior Staff Technologist at New America Foundation's Open Technology Initiative; and Meredith Whittaker, met with Walter Johnston, James Miller and Deborah Broderon to discuss collaboration between Measurement Lab ("M-Lab") and the Federal Communication Commission ("Commission"). This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

Mr. Gideon and Ms. Whittaker discussed with Commission staff M-Lab's acceptable use policy ("AUP"),<sup>1</sup> of which a screenshot is attached as "Attachment A." They discussed specifically the collection and publication of IP addresses, which is specified as a requirement for any broadband measurement test that runs on the M-Lab platform. SamKnows is an M-Lab partner and runs SamKnows whitebox tests for the Test My ISP<sup>2</sup> study on the M-Lab platform (screen shot attached as "Attachment B"). As such, M-Lab's AUP requires publication of all data, including full IP addresses. Publication of this data is necessary as the full IP addresses are a standard, accepted, and easily-used unique identifier. In addressing questions regarding whether this requirement was acceptable for the Commission and whether and when IP addresses qualify as personally identifiable information, Mr. Gideon and Ms. Whittaker pointed out that the Consumer Broadband Test includes a privacy policy that explains that IP addresses and may be published by the platforms supporting the test – Ookla and M-Lab. The privacy policy for the Consumer Broadband Test,<sup>3</sup> a screenshot of which is attached as "Attachment C", is compatible with the M-Lab AUP, and we requested that the privacy policy for Test My ISP and its successor program be made compatible as well.

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<sup>1</sup> <http://measurementlab.net/content/privacy-policy-aup>

<sup>2</sup> <http://www.testmyisp.com/faq.html#faq-16>

<sup>3</sup> <http://broadband.gov/qualitytest/>

Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record.

Respectfully submitted,

/s/ Thomas Gideon

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